

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

AMCOL Systems, Inc.,

Plaintiff,

v.

Lemberg Law, LLC, and Sergei Lemberg,

Defendants.

C/A No. 3:15-3422-CMC

OPINION AND ORDER
WITHDRAWING REMAND

This matter is before the court on Defendants' motion to reconsider two aspects of the court's Opinion and Order on Defendants' motion to dismiss. ECF No. 26 (Opinion and Order); ECF No. 30 (Motion to Reconsider). Specifically, Defendants ask the court to (1) reconsider its decision to remand the matter to state court and (2) to fully consider those aspects of the motion to dismiss on which the court declined to rule in light of its remand of the state-law claims.

Plaintiff has not responded to Defendants' motion despite passage of the time allowed for filing a response. The court, therefore, considers the motion unopposed.

The court has, nonetheless, independently considered Defendants' arguments on the remand issue and finds them persuasive. Discretionary remand under 28 U.S.C. § 1367(c)(3) was improper because the court had an independent basis for assertion of subject matter jurisdiction over the state-law claims (diversity jurisdiction).

WHEREFORE, the court withdraws the portion of ECF No. 26 that remanded the matter to the Richland County Court of Common Pleas. The Clerk of Court is directed to forward a copy of this order to the state court informing it of the withdrawal of remand. This court will address the previously unaddressed aspects of Defendants' motion to dismiss, specifically arguments relating to viability of the state-law claims, by separate order. In doing so, the court will consider

the parties' previously filed memoranda. The court will consider Plaintiffs' pending motion to reconsider dismissal of one aspect of its federal claims through the same order.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
January 26, 2016